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ABSTRACT

Minority youth are disproportionately represented in the juvenile justice system, and their numbers in arrest statistics and in correctional facilities suggest that comprehensive strategies are needed to address these problems. The National Council of Juvenile Family Court Judges has undertaken an intensive examination of the problems of delinquent minority youth and convened a symposium entitled "The Disproportionate Incarceration of Minority Youth in America: A National Forum" to prepare recommendations to alleviate the situation. Recommendations begin with suggestions for the review and monitoring of minority juvenile arrest and incarceration rates. Practitioners in the juvenile justice field should receive sensitivity training and take a leadership role in assuring community services and developing alternatives to detention and institutional confinement. Judges and other justice practitioners should support and attend conferences for the exchange of information about the juvenile justice system. Six appendixes provide supplemental information about resources related to juvenile justice. Appendix A is an annotated bibliography of eight citations. (Contains 4 tables and 98 references.) (SLD)

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MINORITY YOUTH IN THE JUVENILE JUSTICE SYSTEM: A JUDICIAL RESPONSE

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MINORITY YOUTH IN THE JUVENILE JUSTICE SYSTEM: A JUDICIAL RESPONSE

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES
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Dedicated to the Memory of Judge Romae Turner Powell

This special *Journal* publication is dedicated to the memory of the late **Judge Romae Turner Powell.** Judge Powell served as President of the National Council of Juvenile and Family Court Judges from 1988-1989, and as Judge of the Fulton County Juvenile Court in Atlanta, Georgia. She had a long and distinguished career as a civil rights attorney and juvenile court judge. Judge Powell was always interested in assuring the fair treatment of youth and had a particular interest in those of minority youth. It was during her presidency the Council began addressing the issue of the increasing number of minority youth in the juvenile justice system. With this in mind, it is hoped this publication will be used by judges and other key juvenile justice practitioners to help keep her dream alive.

PREFACE

"Our deliberations suggest that the issue of differential processing within juvenile justice is more than simple prejudice by participants in that system. Indeed, we would suggest that the juvenile justice system is nothing more than a shadow of the larger society which defines and supports it. In that sense, equity and justice, the pillars of our justice system, require that we look at a great deal more than our juvenile justice system; it requires that we look at fairness and justice in all of our life pursuits—a delicate balance in a democratic society where differences and individuality are seen as fundamental strengths." (National Coalition of State Juvenile Justice Advisory Groups, 1989.)

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FOREWORD

The National Council of Juvenile Family Court Judges (the National Council) has long been considered a leader in the continuing education and training of juvenile and family court judges and other key juvenile justice practitioners. Because of this emphasis on education, the Council has a special impact on important and timely issues that involve the juvenile justice system. Members tend to adopt an active stance, instead of merely reacting to important issues.

For the past two years the National Council has undertaken an intensive examination of the problems of delinquent minority youth. Asian, Black, Hispanic and Native American young people appear in the juvenile justice system in numbers disproportionately increasing in contrast to their representation in the general population. The Council believes that it is incumbent upon judges to assure the continued fairness and integrity of the juvenile justice system in dealing with all young people regardless of their ethnic cultural heritage. This conviction gives rise to a judicial response.

The Council's strategy in examining the influx of ethnic minority youth in the juvenile justice system required a rational and orderly approach. After securing the necessary funding from the State Justice Institute, the Council selected an advisory committee from its membership and other recommended authorities. The advisory committee developed the leadership and a plan of action for the project.

The initial task of the advisory committee was to convene a committee in the form of a symposium. The committee invited noted authorities to the symposium so that all would better understand the nature and extent of this complex problem.

The next task involved the Council conducting a national conference entitled "The Disproportionate Incarceration of Minority Youth in America: A National Forum." Convened in St. Louis, Missouri, the conference attracted over two hundred people in the juvenile justice field, ranging from judges to volunteers. The advisory committee used this opportunity to exchange suggestions and opinions as to why this problem is occurring and how to ameliorate it.

What became increasingly clear was that the nature and extent . . . as well as the solutions to this multifaceted problem are highly complex and often controversial. However, in spite of these difficulties, the members of the project's advisory committee are commended for their dedication and fine work.

The members of the Advisory Committee are: Judge John F. Mendoza, (Chairman), Las Vegas, Nevada; Judge Willard H. Douglas, Jr. (Retired Chairman), Richmond, Virginia; Judge Ernestine S. Gray, New Orleans, Louisiana; Larry LeFlore, Ph.D., Hattiesburg, Mississippi; Orlando L. Martinez, State Youth Administrator, Denver, Colorado; Judge Enrique H. Pena, El Paso, Texas; Judge Howard E. Petersen, LaGrange, Indiana; Morris G. Redding, Chief of Police, Atlanta, Georgia; Joyce L. Wright, Esq., Chief Juvenile Prosecutor, Baltimore, Maryland; David J. Gamble, (Project Director), Reno, Nevada; and Celia Tower, (Administrative Assistant),

Reno, Nevada. Additionally, Judge Romae Powell, Atlanta, Georgia (deceased) was instrumental in providing the initial impetus for this project.

This special *Journal* publication is the final product of the project advisory committee's effort, but is not intended as the definitive solution to the problem. Its recommendations do, however, afford judges and other key juvenile justice officials across the country the opportunity to respond appropriately to this problem within their respective jurisdictions.

The Council adheres to the belief that the public holds accountable no other agency or individual in the juvenile justice system more than juvenile court judges. Therefore, this publication is offered as a rational and methodical judicial response to the problem of the disproportionate incarceration of minority youth.

Judge W. Donald Reader
President N.C.J.F.C.J.
(1989-1990)

INTRODUCTION
THE TRAGEDY OF MINORITY JUVENILES

The recommendations that follow reflect the concerns from a judicial perspective of a society on one hand struggling with the excessive level of serious and violent youth crime, and on the other, the trend of the growing disproportionate representation of minorities in the juvenile justice system. In particular, there is a concern for the disproportionate numbers of minority youth who appear in arrest statistics and confined in public correctional facilities. These two fact[s] alone may suggest needed changes to juvenile justice professionals, policy-makers, and concerned citizens. The judges and key practitioners of the juvenile and family courts need to be aware of the empirical data about how the nation's juvenile justice system is handling youth referred to its care. While the available data may be less than ideal, important clues are offered as to the consequences of present day directions.

Who are the minority youth who are disproportionately represented? They are primarily Blacks. However, they are also Hispanics (and other Latin and South American ethnic groups), Native Americans, and Asian-Americans. Krisberg et al., (1987), Pope and Neely (1984) report that minority youths are over represented at all stages of the juvenile system, while Pena (1981) reports over representation at the arrest and detention stages. Children in custody data (Office of Juvenile Justice and Delinquency Prevention, 1988) report "minority youths — Black, Hispanics and other races — comprise more than half the juveniles in public custody facilities" (OJJDP, Juvenile Justice Bulletin, October 1988:1). Of 53,503 juveniles in public custody facilities, 30,128 (56%) are minority juveniles. This percentage of minority juvenile incarceration has increased more than three percentage points between 1985 and 1987 (OJJDP, Juvenile Justice Bulletin, October 1988:3). See Table 1 for more data.

Why is there a disparity? The committee acknowledges that there is no simple and easy answer to this question. Any answer suggested should include: varying authority of the courts; the varying application of statutes and guidelines; funding for juvenile justice; the socio-political factors within local settings; the dynamics of minority communities and families; the legal and nonlegal characteristics of minority youth referred to the system; and the possibility of systemic racism. These are just a few of the many factors that the study committee has found to have varying degrees of impact on the present problem. This document does not attempt to prioritize these factors. However, this document does suggest that they be examined and appropriately addressed when found to have different outcomes for minority and non-minority youth in the juvenile justice system.

The purpose of the recommendations is to suggest comprehensive strategies that may be used to address this problem and to make the system more sensitive to the need for fairness. We hope that providing information about arrest, detention, adjudication, and disposition practices will encourage policy-makers to obtain accurate information on the types of youth arrested, detained, adjudicated, and given dispositions in their own jurisdictions. It is further hoped that policy-makers will use the local

information to recommend the development and implementation of clear and consistent policies and procedures in the critical decision-making areas of the juvenile justice system.

THE PROJECT ADVISORY COMMITTEE

The project's multi-disciplinary advisory committee, established by the National Council of Juvenile and Family Court Judges, convened on several occasions throughout the two year period of the project (October 1988 - October 1990), to discuss and shape the issues and recommendations related to the problem of minority incarceration disparity in juvenile justice contained within this report. Their multi-ethnicity, varying political views, and diverse juvenile justice professional backgrounds enhanced the authenticity as well as the practicability of the findings and recommendations of this report. In addition, the committee members also served as faculty at the project's national conference, "The Disproportionate Incarceration of Minority Youth in America: A National Forum," June 25-28, 1989, St. Louis, Missouri, in which more than 200 juvenile justice related professionals were present. The committee received recommendations from these professionals who represented the Asian, Black, Hispanic, Native American, and White communities. We are most grateful for their time and energy given to this project. The committee included:

Honorable John F. Mendoza, (Chairman)
Judge
District Court
Las Vegas, Nevada

Honorable Willard H. Douglas, Jr.
(Former Chairman)
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EXECUTIVE SUMMARY

There is factual data to support the premise that minority youth are overly represented in the juvenile justice system. Further, the data suggest a trend that minority youth have an increasingly greater chance of becoming even more over represented as they progress through the juvenile justice system.

There is broad support for the proposition that minority juveniles are overly represented at each stage of the juvenile justice system as compared to their numbers in the general population. There is less agreement as to the most appropriate explanation for the high rates of arrests and confinements of minorities. The dominant view is that minority incarceration rates can be explained by the disproportionate involvement of minority juveniles in serious and violent youth crime. Others suggest that there are no significant differences in the handling of non-minority and minority youth in the juvenile justice system. However, a visit to a juvenile court, public detention center or correctional facility will convince the visitor that Black, Hispanic and Native American juveniles are vastly over-represented in relation to their relative proportions in the general population.

This publication may be viewed as a response to the different treatment of minority youth in terms of legal variables, socio-economic factors and racial discrimination. The recommendations that follow reflect the Council's position regarding this problem.

The essential recommendation is that strategies should be developed and implemented to assure that minority/ethnic youths are not placed at greater risk of being over represented by the practices and policies of the various components of the juvenile justice system.

To accomplish this, the following are recommended:

1. *Legislatures, administrative officers of the court or other appropriate administrative officers should conduct monitoring and review efforts for juvenile court, appropriate local and state agencies should assure that minority/ethnic youths are not incarcerated at disproportionate rates simply because of their minority status. These monitoring efforts should be conducted regularly.*

2. *Juvenile justice practitioners — judges, police officers, prosecutors, public defenders, intake officers, probation officers, referees, detention care workers, and correctional workers — should receive regular minority/ethnic sensitizing training as to cultural and ethnic differences.*

3. *It is most important that minority practitioners be represented in the direct service delivery and critical decision-making ranks of the juvenile justice process.*

4. *Juvenile court judges should take the leadership role to assure that community services and programs that are concerned with public safety are developed and implemented in the community.*

5. *Minorities should be involved in developing and implementing alternatives to detention and institutional confinement.*

6. *The family and community conditions that impact upon the minority youths who fall within the purview of the juvenile justice system should be regarded as important factors while making disposition for said youths. Efforts to ameliorate these conditions should be reflected in the dispositional recommendations of probation officers.*

7. *Judges should take leadership roles in providing advocacy for all youths.*

8. *Judges should take the leadership role in developing evaluation and research components within the juvenile justice system.*

9. *Training programs, workshops, and conferences, which focus on the needs of minorities should be developed, implemented, and attended by judges and other key juvenile justice practitioners.*

Recommendations are used in this instance as guides for those judges interested in exploring changes in their respective jurisdictions. ***Each state juvenile court system has its own characteristics. Further, the Doctrine of Separation of Powers or express statutory provisions may preclude or prohibit judges and other judicial department practitioners from approving, adopting or implementing these recommendations. As such, no one jurisdiction will find it feasible or necessary to accept all of the recommendations contained in this report.***

PART ONE
STATEMENT OF THE PROBLEM

Minority youth are disproportionately represented in arrest rates, detention and jail facilities — the front end of the juvenile justice system and in the back end of the system: juvenile correctional facilities. This results in minority youth being overly-represented at each stage within these two polar ends of the system. Krisberg et al., (1987) stated "In a society committed to pluralism and social justice, the growing numbers of incarcerated minority youth is a harbinger of future social turmoil. This problem must be placed at the top of our national agenda to reform the juvenile justice system," (p. 201). The National Coalition of State Juvenile Justice Advisory Groups (1989) refers to the problem as a disaster of major proportions, and places it on the same level as the school dropout rate and unemployment. The Los Angeles County Commission on Human Relations (1988) argues that the consequences of this situation are grave both for the minority groups involved and for larger society in the long run.

Chapter 1

Operational Definitions

(1) ***Minority*** as defined for the purpose of this project, refers to Asians, Blacks, Hispanics, and Native Americans.

There are, however, two major problems when attempting to research minorities. One, agencies do not have categories of racial/minority status in which all members of our pluralistic society may be readily identified. For example, official data for some juvenile courts or youth services agencies may have the following options: Black, White or other. A Hispanic juvenile will, in more cases than not, be assigned to the white category. The second is that the overwhelming majority of the available research on minority youth in juvenile justice has been on Black youth. Consequently, a great amount of the data embodied within this document may not always represent the other three minority groups in detail. However, a major observation is that these groups share a common characteristic — low socio-economic status. According to Hollingshead's Index of social positions (Huizinga and Elliot, 1987:220), 73 to 75% of minority youth are in the lower socio-economic class.

(2) ***Disproportionate Representation or Over-Representation*** is a term used to refer to the discrepancy in percentage of a particular group of youth in the juvenile justice system when compared to the groups' population in the larger society. For examples; 1) In 1982, Blacks and Hispanics made up 51% of the youth population in detention, although their proportion of the total youth population was only 18% (Joe, 1987:287) and 2) Black youth may account for 12 to 17% of the total youth population and represent 50% of the arrests for property crime arrests and approximately 33% of all juvenile offenses involving violence (Fagan, Slaughter, and Hartstone, 1987:225).

(3) ***Juvenile Justice System*** is referred to as a separate judicial system of processing and service delivery for youth in trouble with the law. It is defined more specifically by each state's juvenile court statutes. These statutes use age as the major factor to determine jurisdiction. This study acknowledges that

there are several categories of children (dependent/neglected, delinquent, children in need of supervision, abused children) that fall within the court's jurisdiction: however, this project focuses only on delinquent and status offenders.

(4) ***Separation of Powers Doctrine*** under our governmental system, federal and state governments are divided into three branches of government . . . the executive, judicial, and legislative. Under the doctrine of separation of powers, members of one branch may not exercise or perform functions or powers appertaining to the others. Thus, judges may not perform prosecutorial or correctional functions.

(5) ***Incarceration*** is defined as confinement in jails, detention centers, half-way houses, ranches, and correctional institutions for delinquent youth and are supported with public funds.

(6) ***Qualitative Research*** is research that includes observation studies, depth interviews and other data collection strategies that do not focus on numbers. A major qualitative type research would be to understand the process of juvenile justice.

(7) ***Quantitative Research*** is focused on measuring those social phenomena of juvenile justice processing. Decision-making and outcomes are reduced to numbers in an effort to measure their frequency and relationships.

(8) ***Cultural/Ethnic Sensitivity Training*** refers to learning activities and exercises that are designed for several purposes. Among these are: to provoke individual introspection of one's cultural/ethnic identity; to teach professionals about the multicultural society in which we live and to enhance awareness of cultural differences. Specific focus is centered on understanding the role of cultural environments in the lives of people and the impact of those roles in multicultural/ethnic group interaction. In this effort, cultural is accepted as a product of learning that impacts our social structure, kinship systems, personality, our psychological adjustment, and our socioeconomic status. (See, Portia Hunt, 1989.)

Chapter 2

Perceptions, Debate, and Facts

Perceptions

There is a perception that minorities are involved in more criminal activity than are whites. Publications, articles, and the media report the following, which may be used to help us understand why this perception exists.

In actuality, publications and articles report the following:

1. "Race-based arrests have a way of unfairly inflating the statistics for Black's involvement in crime," (U.S. News and World Report, 1988:55). These statistics affect the public's perception in a way that causes them to associate crime with minorities.

2. Greenfield (1981) asserts that there is no bias in the laws that govern the criminal justice system. Rather, it is the official handling of the offenders that is flawed with opportunities for discrimination. He argues that this opportunity is frequently utilized.

3. In Georgia, for example, Black youths are arrested, prosecuted, and locked up at higher rates than White youths accused of comparable crimes. Blacks, for example, account for less than half of the delinquent offenses, but represent 61% of those in juvenile institutions. The disparity widens as Blacks and Whites move from complaint to prosecution to disposition (Hansen, 1988).

4. In a study of race and decisions to imprison in California, "Black and Latino offenders were more likely to go to prison than White offenders, especially for assault and drug offenses. For example, 39% of those sent to prison for assault were Black, whereas only 27% of those who received probation for this crime were Black . . . Latinos constituted more than half of those convicted of drug crimes, for example but less than 25% of those convicted for theft or forgery," (Klein, Petersilia, Turner, 1990:14).

5. Synder et al., (1989) suggests that agency policy and/or system reaction to certain offenses, such as drug law violations, may explain some of the disparity related to minorities in detention.

6. Morales (1986) suggests that there are several reasons why minorities are over-represented in the system. Among the list are: (1) the general belief that minorities are (more) criminal which results in greater scrutiny of minority neighborhoods in the form of heavy surveillance; and (2) the criminal policies of lawmakers that relate to "get tough" tactics as to crime have adverse effects on minorities (Morales, 1986:2-3).

7. Dannefer and Schutt (1982) note that decisions on the part of juvenile justice officials are affected by several social environmental factors. Among them is the proportion of the population that belong to minority groups. Their point is that "as the proportion increases, majority group members' fear of economic competition and threats to their power are likely to increase, producing motivation for discrimination," (p. 118). They found that this phenomenon influenced the police's decisions, but not the court's.

8. Reed (1984), after examining racial differentials in juvenile court decision-making in a project funded by the National Institute for Juvenile Justice and Delinquency Prevention, argues that court personnel allow personal and social characteristics of the juvenile to influence their recommendations/decisions, (p. 39). These practices do not work to the advantage of the minority youth. Although there are other studies to support this argument, there are those that take the opposite position. Feyerherm (1981), and Slaughter et al., (1986), suggest that race is an important variable in predicting decisions after controlling for legal variables. McCarthy and Smith (1986), suggest that race is more critical at the later stages of the court process than at early stages — intake screening and detention. Bailey and Peterson (1981), and Kowalski and Rickicki (1982), however, report there is no racial effect in the court's dispositions.

The Debate

A popular debate on the influence of race in criminal justice decision-making has been waged by Wilbanks (1987) and Mann (1987). Wilbanks argues that the system is not racist, while Mann argues that race is a critical factor in the criminal justice system. The major thrust of Wilbanks' argument is that research investigators have not definitively found that racism exists as a critical factor throughout the criminal justice system. He acknowledges that some individuals working in the system may be racist and that the system was racist in the past. His argument is one of technical assessment regarding the flaws in the various research methodologies that have addressed the question of racism in the system. From his empirical perspective, he has not seen the scientific evidence of racism, and therefore, he concludes the system is not racist.

Mann, on the other hand, argues that the criminal justice system is a microcosm of the larger American society. She notes that racial prejudice is

pervasive throughout America, and, thus, the criminal justice system, of which juvenile justice is a part, is not spared from racism. She further argues that the laws, the way they are enforced, the control mechanisms of handling offenders are not free from racial attitudes that are diffused throughout American society.

Both Wilbanks and Mann suggest that a viable alternative to researching a phenomenon is observing it. This can be done with qualitative type (observing what is actually occurring) research methodologies. Unfortunately, this strategy has been ignored by juvenile justice system scholars. If utilized, even in conjunction with the quantitative studies, tremendous understanding may be realized about the juvenile justice process/decision-making strategies and the impact of racism.

Facts

1. Minority youth are incarcerated in public institutions at a rate three to four times that of white youths (Krisberg et al., 1987)
   a. Minority youths are not placed in private facilities at the same rate as they are placed in public facilities. Minorities represent only 35% of youths in private facilities, while whites represent 65%.
   b. Morales (1986) reports that Hispanics and Blacks comprise 75% of the California Youth Authority inmate population. This pattern is noticed in many other jurisdictions across the country.
2. Minority youth are arrested at higher rates.
   a. Data from 1987 FBI reports indicate that nonwhite juveniles are arrested five times more often than white juveniles (FBI's Crimes in the U.S. Series).
   b. Tillman (1986) reports that nearly seven of 10 Black males face at least one arrest, while the possibility for whites is only three of 10.
3. Blacks commit serious crime but not at a rate or level of any great significance when compared to the rates for whites (National Coalition of State Juvenile Justice Advisory Groups, 1989).

PART TWO

THE IMPACT OF RACE/ETHNICITY ON THE JUVENILE PROCESS

This part focuses on the major stages of the juvenile court process —arrest, adjudicatory, dispositional and training concerns. For simplicity purposes, separate chapters are given to the specific processes associated with the arrest, detention, intake and prosecutorial, transfer or certification, the adjudicatory stage, the dispositional stage, and specific post-dispositional processes — juvenile correctional institutions and aftercare services.

Chapter 3

The Arrest Stage

The arrest stage is the most critical stage of the entire juvenile justice system. It involves law enforcement officers, who are the gate keepers, and their discretion to select any number of options when handling a youth. These options, generally, range from a simple warning, or citing a youth, or taking the juvenile into custody and/or referring the juvenile to the local juvenile court. In many jurisdictions, the officer is free to adjust a case in any way he feels appropriate.

While it is virtually impossible to discern how police handle each case in a particular jurisdiction, several researchers have investigated the rate of youth/police contacts handled without formal court processing. The most definitive research on the subject, Goldman (1963) reports that the police divert as many as 64% of youth away from the formal system and McEachern and Bauzer (1967) found that the overall arrest rate for police encounters with Blacks was 21%, compared to 8% for encounters with whites. The general conclusion of research in this area is that there is a great amount of discretion available to the law enforcement officer and it is used without clear guidance and uniformity (Siegel and Senna, 1981:394). According to Kratcoski and Kratcoski (1986), "the type of training the officer has received and the officer's own personal prejudices and opinions affect the way an officer will operate at each discretionary opportunity," (p. 221). Roberts' (1989) assessment is that "to a great measure it is the officer's exercise of discretion that really controls the disposition of the juvenile cases" (p. 107).

In spite of the seemingly high percentage of youths police screen away from the system, the vast majority of referrals to juvenile court come from the police. An appropriate question at this point may be to what extent does the discretion utilized by police officers adversely affect minority youth? Moreover, are minority youths more likely to be screened into the formal juvenile court system than they are to be diverted away from it?

Dannefer and Schutt (1982) state that law enforcement officers' judgment may be more biased against minorities than intake officers judicious

judgments. Furthermore, law enforcement officers are more likely to arrest poor minorities (Hispanics and Blacks) because of a self-fulfilling prophecy dynamic which suggests that poor minorities are more criminal (Morales, 1986:2-3). The result is that officers place them under greater surveillance (Morales, 1986:2-3). In addition, Morales found that Hispanic youths in Los Angeles are 23 times more likely than non-Hispanic Whites to be arrested for loitering (p. 3).

At this point another issue seems appropriate for discussion — the popular notion that some law enforcement officers generally do not care to work juvenile cases. Many officers regard working with juveniles as conflicting with their skills and training to handle the "more exciting" criminal type cases. Some officers accept working with juveniles as more related to social work and thus, not consistent with the major focus of their law enforcement function.

Statistics reveal that there is a trend towards racial disparity in arrest reports. More specifically, in 1978 minority youth accounted for less than half the juveniles arrested, and in 1987, they represented more than 52% of juvenile arrests. The Black youth arrest rate was five times that of White juvenile arrests for 1987. The data reflected in Table 1 are taken from the FBI's Uniform Crime Reports (UCR). The UCR classifies offenses into 29 categories. These crime categories are further combined into two major groups. Part 1 offenses are considered serious crimes and Part 2 offenses includes all other offenses. The UCR also reports arrests for juvenile status offenses, such as truancy, runaways, and ungovernability. While the reporting of Part 1 arrests are reasonably uniform, local practices on reporting Part 2 and status offenses are somewhat less consistent.

TABLE 1

Racial Distribution of Juvenile Arrest for a Violent Crime: 1977-1987, (source: FBI's Crime in the United States Series)

Year	White	Black	Other
1977	48.2	49.7	2.1
1978	44.4	42.0	3.6
1979	48.7	49.0	2.3
1980	47.6	51.2	1.2
1981	45.6	53.4	1.0
1982	45.1	53.6	1.3
1983	44.0	54.7	1.3
1984	45.8	53.0	1.2
1985	46.3	52.4	1.3
1986	46.5	52.2	1.3
1987	43.9	54.6	1.5

In 1987, the violent crime arrest rate among nonwhite juveniles was 5 times greater than white juveniles.

The data show that the White juvenile arrest rate has decreased by 4.3 percentage points since 1977. The Black juvenile arrest rate is higher than

that of White juveniles for each of the 11 years reported up to 1987 except 1978 can be extrapolated.

RECOMMENDATIONS:

1. *Judges should take an active part in the development and implementation of arrest guidelines in conjunction with law enforcement officers. Guidelines should focus on offenses not individuals.*
2. *Judges should urge the development and formation of specialized juvenile divisions, if none exist, in law enforcement agencies.*
3. *Judges should urge law enforcement officials to obtain specialized training in juvenile justice. They should also urge that these police "youth departments" receive credibility and recognition for their work which often goes unrewarded.*

Chapter 4

Detention

If the juvenile is not warned, or taken home, or released by the law enforcement agency after arrest, he is usually taken to a secure detention facility. Once that occurs, the juvenile intake officer usually makes the initial decision whether to detain or release the juvenile. If released, the juvenile intake officer may impose terms and conditions on the juvenile's release. If the juvenile intake officer makes the decision to detain the juvenile, the majority of juvenile codes require that an early detention hearing be afforded the juvenile.

The statutory scheme in most states authorize juvenile courts to release the juvenile from detention unless it finds the juvenile is a fugitive from another jurisdiction; that the juvenile is a danger to himself or others if released; that if released the juvenile is likely to abscond or remove himself from the jurisdiction of the court; that the juvenile has no parent, guardian, or custodian able to return the juvenile to court; that the juvenile has no suitable supervision nor is any being provided for by a parent; or the offense charged is serious, such as murder.

According to the National Coalition on Crime and Delinquency, if the reasons stated above were followed objectively at the detention stage, no more than 10% of all arrested youth would be detained (Wadgin, 1979:199). However, the juvenile system has followed the adult system, in that it has become more punitive. Thus during the 1980s, a substantial proportion of the juvenile's confined in detention centers were minor and petty law violators and, to a lesser extent, status offenders (Schwartz, Stekettee and Butts, *Business as Usual: Juvenile Justice During the 1980s,* 1989).

The Council of Judges of the National Council on Crime and Delinquency (NCCD) has expressed concern for this situation and the lack of standards associated with juvenile detention facilities (Washington Crime News Services, March 1989). NCCD has offered several recommendations that have focused on critical consequences of the situation which have perpetuated as post-

adjudicatory commitments, and an increase in suicides by detained youths (Washington Crime News Service, March 1989).

Recent data analysis indicates that there is increasing use of juvenile detention. For example, there was a 20% increase in detention admissions in 1987 over 1975. (Washington Crime New Service March 8, 89, references the Office of Juvenile Justice and Delinquency Prevention.) Another example of increased use of detention is in California. This state has the highest rate of detention admissions in the country. Its detention accounts for 35% of all youths in detention in the country. Yet, it has only 10% of the nation's youth population. "Most of these youths are on pretrial status and have not yet had their day in court" (Washington Crime News Service, March 1989:1). (Additional research is needed to isolate the factors that may explain this situation. It would be interesting to ascertain if the California situation is due to over-detention or a slow court process or continuations because of motions or some other factors.) Other states with high detention rates, as measured by the Children in Custody Survey for 1987 (U.S. Department of Justice, 1988), are the District of Columbia, Nevada, Washington, and Florida.

An illustration of increased detention of minority youths is found in Table 2. This data gives a more focused view of the discrepancy in detention use by race and offense. This table reflects that 22% of white juveniles, compared to 30% of nonwhite juveniles are detained for offenses against the person; 16% of white juveniles versus 22% of nonwhite juveniles are detained for property offenses; 20% of white juveniles versus 36% of nonwhite are detained for drug law violations; 23% of white juveniles versus 32% of nonwhite juveniles are detained for public order offenses; and 10% of white juveniles versus 11% of nonwhite juveniles are detained for status offenses.

TABLE 2

Percentage of Cases Detained by Reasons for Referral and Race, 1985

Reason for Referral	White	Non-White
Person Offense	22%	30%
Property Offense	16%	22%
Drug Law Violation	20%	36%
Public Order Offense	23%	32%
Status Offense	10%	11%
All Offenses		

Source: Snyder, H., T. Finnegan, E. Nimick, D. Sullivan, and N. Tierney. *Juvenile Court Statistics 1985*. Washington, D.C.: U.S. Department of Justice, 1989.

RECOMMENDATIONS:

1. *Judges should evaluate the criteria established by juvenile probation departments for secure detention, and if lacking or inadequate, judges*

must encourage the adoption of specific, written and objective criteria for secure detention which will eliminate ethnicity as a factor.

2. *Judges should look to models of objective criteria used in other jurisdictions based on objective information to discourage subjectivity or racial bias in the decision-making process. (See Steinhart, D. et al., 1987.)*

3. *Judges should provide leadership in developing alternatives to secure detention, such as home detention and electronic monitoring.*

4. *Judges should encourage the recruitment and hiring of minorities as detention officers.*

5. *Judges and intake officers should be specifically trained or experienced in racial, cultural, and ethnic values.*

Chapter 5

Intake

One purpose of intake is to divert from the juvenile court those juveniles who are not a threat to the public and for whom adequate or appropriate resources exist outside the court. This is a function of individualized justice, the goal of which is to rehabilitate the juvenile offender, prevent future delinquent behavior, and thereby, protect the public.

Another purpose of intake is the referral of cases for formal court processing. This purpose involves the prosecutor, who handles the charging decision. The authority vested in a prosecutor/intake officer to initiate this juvenile process or refuse to initiate that process is profound. All charging decisions of the prosecutor are discretionary. Rubin (1980) presents evidence which suggests prosecutors are exhibiting greater influence on the decision to charge or not to charge, and suggests the reason for this trend relates to the report of rising crime. Others suggest it is a result of Supreme Court decisions recommending due process for juvenile cases and standards committee recommendations. (See Cirarion, 1967 and IJA/ABA joint commission standards, related to prosecution (IJA/ABA, 1979).)

According to Rubin (1980), state statutes have given prosecutors increasing responsibilities as a means of protecting the interest of the community. In some jurisdictions, a prosecutor may review court petitions filed by the court intake officer. In these situations the prosecutor seems concerned with the legal sufficiency and accuracy of the petition. In other jurisdictions, the prosecutor plays a more dominant role. In these cases, he receives all law enforcement referrals and, in effect, makes the decision to charge the case exclusive of input from others. Between these two extremes are three other possibilities: (1) The prosecutor may be consulted by the intake officer on all felony cases and only after approval from the prosecutor can a felony case be dismissed or diverted; (2) The prosecutor has to approve all the decisions of the intake officer; and (3) Prosecutors receive all the felony cases while minor cases are handled by the court's intake officer.

Roberts (1989) asserts that one should not assume that prosecutors, by definition, favor formal petitions more than intake officers. Another concern of the present project is focused at both the prosecutors' and intake officers' utilization of discretion in their decisions to petition or not to petition a case. The Source Book of Criminal Justice Statistics for 1984 (M.C. Garrell and Flanagan, 1985:480) reports that, on a national level, 43% of court referrals made by police officers result in formal petitions to the juvenile court. However, the range of petitions is as low as 20% and as high as 70%.

The issue seems to be: To what extent is the decision to petition or not to petition affected by the issue of discretion that relates directly or indirectly to race? The available survey data suggest the following with respect to petitioned cases by race (See Table 3):

TABLE 3

Percentage of Cases Petitioned by Reason For Referral And Race, 1985

Reason for Referral	Whites	Non-whites
Person Offense	46%	64%
Property Offense	40	53
Drug Law Violation	38	59
Public Order Offense	41	58
Status Offense	21	29
ALL OFFENSES	36%	53%

Source: Snyder, H., T. Finnegan, E. Nimick, D. Sullivan, N. Tierney. *Juvenile Court Statistics 1985*. Washington, D.C.: U.S. Department of Justice, 1989.

1. Nonwhite juveniles have a higher petition rate for each reason for referral.
2. For overall referral, the nonwhite petition rate is 17% greater than for whites.
3. The petition rates for status offense referrals by race has the smallest discrepancy (8%).
4. In addition to the above findings, data for 1985 reveal that nonwhite delinquent cases were at greater risk of being waived from juvenile court jurisdiction to adult court jurisdiction. Three percent of nonwhite and 2% of whites were certified to criminal court (Snyder et al., 1989).

The data in Table 4 demonstrates nonwhite juveniles are twice as likely as white juveniles to have their cases petitioned if referred to court for delinquency. The Table reveals that: (1) for robbery offenses, there is an 11 to 1 nonwhite/white ratio for petitioned cases; (2) aggravated assault, the ratio of petitioned cases is 4 (nonwhite) to 1 (white); (3) for burglary, the petition ratio for nonwhites and whites is 2 to 1; and (4) for larceny theft, the ratio is 2 to 1. However, this pattern changes with respect to petitions filed in status offense cases. The nonwhite/white ratio is 1 to 1.

TABLE 4

Juvenile Court Petitioned Cases

*Rate in 1985 By Minority Status**

	White	Nonwhite	Nonwhite/ White Ratio
Delinquency	16.8	35.5	2 to 1
Robbery	0.29	3.08	11 to 1
Aggravated assault	0.51	2.12	4 to 1
Burglary	2.97	5.08	2 to 1
Larceny theft	3.39	2.80	2 to 1
Status Offense	3.40	2.80	1 to 1

Source: Snyder et al., *Juvenile Court Statistics 1985*. Washington, D.C.: U.S. Department of Justice, 1989.

*In 1985, the nonwhite juvenile court referral rate for violent offenses was about 6 times the white rate.

RECOMMENDATIONS:

JUVENILE INTAKE OFFICERS

1. *Judges should participate in the formulation of criteria and guidelines to be used in making intake and charging decisions to insure that ethnicity is not a factor.*
2. *Judges should encourage the development, periodic refinement and continuous monitoring of the guidelines and criteria.*
3. *Judges, when appropriate, should consider the appointment of a commission or committee comprised of a representative group of juvenile justice policy-makers and practitioners, citizen participants, including minorities with the authority to monitor compliance with the guidelines and criteria.*
4. *Judges should serve as a catalyst in determining minority needs and obtaining and developing resources and services for minority children.*
5. *Intake officers should be trained in racial, cultural, and ethnic values.*

PROSECUTORS

1. *Prosecutors in exercising their charging discretion should adhere to and comply with the American Bar Association's Standards, Prosecution Function and Code of Professional Responsibility, which mandates that discretion be ethical.*
2. *Prosecutors, in the management of the charging decision, should be specialized in the handling of juvenile offenders.*
3. *Prosecutors should establish criteria or guidelines for deciding the charging decision as a means of reducing disparity for minorities.*
4. *Prosecutors should be trained in racial, cultural, and ethnic values.*

Chapter 6

Judicial Transfer

Juveniles charged with crimes such as murder and rape were once handled exclusively by the juvenile and family courts. As crime rates soared, and a few particularly shocking offenses captured the headlines, the juvenile and family courts came to be seen as overly solicitous. Some states enacted more liberal statutory schemes commonly referred to as waiver, certification, or transfer proceedings, which allows prosecutors to petition for transfer of serious cases to criminal courts. Some states enacted statutes which automatically transfer jurisdiction for certain serious crimes at a certain age (i.e., murder at age 14). (See Rubin, 1980:64-69.) These statutes have narrowed the jurisdiction of the juvenile courts and eroded the original philosophy of the juvenile justice system to protect juveniles from the harshness of the adult penal institutions. "The purpose of the waiver is to determine whether the best interest of the child and of society would be served better by maintaining the child under juvenile court jurisdiction or by transferring him to criminal district court for adult proceedings" (Ottis, JoAnn, p. 81)

Transfer proceedings in a juvenile court have received little scholarly attention, and racial determinants of transfer have yet to be analyzed (Fagan, Forst, and Vivona, p. 259).

In at least one article the authors indicate "the certification procedure is sometimes a tool of the district attorney's office for plea bargaining and that there is some discrimination in selecting individuals against whom certification petitions will be filed," (Hays and Solway, 1972:709). In the breakdown of demographic variables, there were 17 males and one female, three of whom were Caucasians and 15 were Black. The offenses were: rape, 3 cases; assault to murder, 3 cases; murder, 7 cases; and robbery by firearms, 8 cases. "A demographic profile of the 18 cases indicates that the most likely individual to have a waiver petition filed against him is a 16-year-old Black who committed robbery by firearms" (Hays and Solway, 1972:710-711). Another factor that affects some transfer decisions is amenability to treatment. Several states,

including Virginia, Washington, and California, eased their transfer statutes that related to amenability to treatment. There have been no research efforts to access the impact of these changes on minorities at this point.

Prosecutors and judges need to examine their policies and programs in order to reduce minority incarceration. The transfer process may accelerate the already increasing prevalence of minorities in jails, detention centers and prisons (Krisberg et al., 1984).

RECOMMENDATIONS:

1. *Criteria for transfer should be implemented uniformly in order to reduce disparity and ethnicity in the decision-making process.*
2. *Criteria should relate to age, severity of the offense, and amenability to treatment.*
3. *Judges should not be influenced by socio-economic factors, uneven distribution of intervention services, and formal or informal social controls in minority communities.*
4. *Judges and the community should work to provide for long-term treatment programs which can deal with the very serious juvenile offender.*

Chapter 7

The Adjudicatory Stage

There are two aspects of the juvenile process, commonly referred to as bifurcated proceedings, which are the equivalent of the trial and the sentencing in criminal court. In juvenile justice terminology these two stages are called adjudicatory and dispositional phases. It is increasingly required that these stages be separated to allow for an investigation of the child to assist the judges in making a disposition. Some states provide for trial by jury even though they may not be constitutionally required to do so.

However, the great majority of juvenile court petitions result in an admission (the juvenile justice system's euphemism for a guilty plea) by the juvenile to the facts alleged in the petition. "Fewer than 5% of petitioned cases go to trial," (Rubin, 1985:195). More often than not, immediately following the juvenile's admission or the proof of the facts at the adjudicatory hearing, a dispositional hearing is held without an investigation of the child's needs (Rubin, 1985).

To assure that each child petitioned by the court is treated with fundamental fairness, the child is accorded numerous constitutional rights which include the right to notice, a right to counsel, privilege against self-incrimination, rights of confrontation and cross-examination. Thus, the quality of the juvenile's legal representation becomes a crucial factor. A great number of minority juveniles are from families that cannot purchase legal services. This generally means they are represented by court-appointed attorneys or public defenders. Does the appointment of counsel or a public defender adversely affect minority juveniles at the adjudicatory hearing?

The differences in the adjudication rates for minority v. non-minority groups do not appear significant, and one may conclude that the judiciary relies on the evidence in making an adjudicatory judgment.

RECOMMENDATIONS:

1. *Judges should require the assistance of effective defense counsel in all cases.*

2. *Court-appointed counsel and public defenders should be specially trained or experienced in racial, cultural, and ethnic values. (Sensitivity training is strongly recommended.)*

Chapter 8

The Dispositional and Court Services Stage

Disposition

The dispositional stage involves a hearing in which the juvenile court orders "treatment for the juvenile in order to prevent further delinquency," (Siegel and Senna, 1985:448). This hearing's tantamount to the sentencing hearing in criminal proceedings and is normally held after an investigation, and after a social history and case plan have been completed. Philosophically, the disposition is the critical stage of the juvenile process, as it concerns the rehabilitation of the offender and public safety. Judge Lindsay Arthur discerns the significance of dispositions with the following:

> "A disposition is not simply a sentence. It is far broader in concept and application. It should be in the best interest of the child, which in this context means to effectively provide the help necessary to resolve or meet the individual's definable needs, at the same time, meet society's needs for protection." (Arthur, 1978:43)

Judges' dispositional decisions are generally influenced by the probation officer's social history or predisposition report, which includes the recommendation of a case plan. These reports are critical for several reasons: First, research suggests that juvenile court judges follow the recommendations of probation officers more than 90% of the time (Siegel and Senna, 1985); and second, a set of concerns that includes the accuracy of the data used in the report, the training of the probation officer who formulates the report, and most critically, the minority/ethnic sensitivity that may or may not be revealed in the report (Reed, 1984). It is this list of issues that is of concern for many practitioners and scholars who have spoken to the discrepancies in decisions at the dispositional stage. This situation may provide opportunities for dispositional disparities that could easily result in discriminatory patterns such as out-of-home placements or commitments to secure public institutions.

These commitments are perceived by minority youths to be more punitive and less treatment oriented (Burwell, 1989).

Morales (1986) argues that in California this situation has resulted in the development of a triple-standard, triple-part juvenile justice system — one in which there is a public sub-system for minorities, a private system, and a hidden system. Non-Hispanic whites are tracked into the latter two. The result is under-representation of minorities in the educationally and treatment oriented private facilities/programs and over-representation of minorities in the more punitive, public facilities and programs (Morales, 1986). An assessment of this situation is needed to identify those variables which may explain it. (See also, Los Angeles County Commission on Human Relations, *Kids, Crime and Jails: The Color of Juvenile Justice*, 1988.)

RECOMMENDATIONS:

1. *Judges, appointed or elected to juvenile and/or family court, should attend the National College of Juvenile and Family Law in Reno, Nevada.*
2. *Judges should be specifically trained in racial, cultural, and ethnic values.*
3. *Judges should develop dispositional guidelines and criteria which incorporate objective decisional factors as a means of reducing ethnicity and disparities in decision-making and which provide consistency with individualization.*
4. *Judges should review the dispositional guidelines or criteria from time to time in order to assess the impact of the guidelines, and draft revisions as needed.*
5. *Judges should provide the leadership within the community in developing community-based programs for minority offenders.*
6. *Judges should hold probation officers accountable for the case plans they present to the court and for following through with recommendations which are contained in court ordered dispositions.*
7. *Judges should review all dispositions at least every six (6) months to ensure compliance with case plans and to determine the progress of the juvenile offender.*

Court Services

The services of the juvenile court/justice system are diverse as one observes across and within state jurisdictions. Probation services are regarded as the cornerstone of these services. Rothman (1974) argues that they are the "cord upon which all the pearls of the juvenile court are strung," (p. 50). They consist of a wide range of functions. Among them are: (1) intake screening that may result in informal processing by the court, diversion away from the court, or formal processing by the court; (2) investigation of children's social background which results in a social history that contains the probation officer's assessment of the youth's problem and prescriptions to ameliorate his problem; (3) supervision, which involves surveillance of youths and the delivery of services to youths on probation and aftercare status; and (4)

planned aftercare programs for youths coming back to their families and communities.

Ideally, these functions of probation services should work in favor of the youths.

RECOMMENDATIONS:

1. *Juvenile courts should have staffs committed to the service needs of the youth that fall within the courts' purview. These needs should be the greatest concerns to the probation/case worker.*
2. *Juvenile courts should develop and implement comprehensive service strategies designed to address the multiplicity of needs presented by the juveniles appearing before the court.*
3. *Juvenile courts' probation officers/case workers should become skilled service brokers, so that there are always treatment options available so that the court can provide for the service needs of juveniles appearing before it.*
4. *Court services should reflect minority/cultural sensitivity to minority and cultural differences.*
5. *Court staff should include minority persons in decision-making and service delivery roles.*
6. *Courts should develop and implement strategies that would provide a systematic and regular assessment of the management of minority cases. Particular emphasis should be on the effectiveness and success of treatment plans.*
7. *Juvenile court services should be adequately funded by appropriate funding sources so all juveniles receive adequate and equal treatment regardless of the availability of private insurance or family resources.*

Chapter 9

Public Correctional Institutions (Training Schools)

The use of public correctional institutions (training schools) as dispositional alternatives are generally considered the most severe and restrictive disposition. They are also regarded as dispositions of last resort. In addition, it seems that both the institutional population and the general public perceive juvenile institutions as prisons — places of punishment and/or incapacitation.

The Bureau of Justice Statistics (1988), reports that among all the juveniles and adults held in long-term, state-operated juvenile institutions, 93.1% were male. An estimated 53.1% were White; 41.1% are Black; and 5.7% are American Indians, Asians, Alaska Natives, or Pacific Islanders (p. 1). An estimated 18.9% of the Whites and Blacks were of Hispanic origin.

The Office of Juvenile Justice and Delinquency Prevention (1988) reported that minority youth — Blacks, Hispanics and other racial/ethnic groups — comprises more than half the juveniles in public custody facilities (p. 1).

RECOMMENDATIONS:

1. *Public institutions should expand the use of juvenile screening and assessment capacity (classification) to allow placement of juveniles according to risk into programs with appropriate levels of security.*
2. *Judges should take a leadership role in supporting the development of community-based resources, patterned after Georgia, Massachusetts and Utah, for juveniles requiring less secure settings or who are in transition after residential or institutional treatment (Eddison, 1987).*
3. *Juvenile corrections should embrace a philosophy of community-based corrections, offering a comprehensive array of services geared toward the specific needs of the youth.*
4. *Juvenile corrections should use secure confinement only for those youths who have histories of violent behavior and severe emotional problems, and who pose a danger to the general public.*

5. *Judges should recommend that juvenile correctional institutions develop and maintain treatment programs which meet the specific needs of the juveniles placed there (i.e., drug programs for drug offenders, sex offender treatment for sex offenders).*

Transition or Aftercare Services

There is growing support nationally for the development of transition or aftercare services for delinquent youth confined or "placed" in residential settings. The growing support is largely due to the increased recognition of the impact of community, economic, peer, and family factors on the process of reintegration. It is also based on the research suggesting that behavioral, educational, and treatment gains during confinement or placement are often short lived or are quickly extinguished once youths return to their community (Schwartz and Bussiere, 1988:2).

Altschuler (1984) studied transition or aftercare programs for serious juvenile offenders. He has conceptualized a model of transition services for delinquent youth that appears to be gaining in popularity. Altschuler describes:

> ". . . reintegration as a process by which community contact—in its many forms and different degrees—is promoted, initiated, supported and monitored. Accomplished through a diverse assortment of methods and steps, re-integrative programs (1) prepare youths for progressively increased responsibility of freedom in the community; (2) facilitate client-community interaction and involvement; (3) work with both the offender and targeted community support systems (families, peers, schools, employers, etc.) on qualities for constructive interaction and offender's successful community adjustment; (4) develop new resources and supports for needs; and (5) monitor and test the youths and the community on their ability to deal with each other productively" (Altschuler, 1984: 366-367).

One can say that transition or aftercare services are consistent with both public protection and juvenile justice response goals. One can further say that they are compatible with these goals because they include high levels of surveillance, increased restrictions on personal freedom, and individual accountability (Altschuler, 1984:1, p. 373).

Schwartz and Bussiere (1988) conclude that if the recent history of juvenile justice is any indicator of the serious re-examination of the role of the juvenile court, the overhauling of the youth detention and correctional systems in many state and local jurisdictions is likely to occur. One of those anticipated changes will, undoubtedly, include increased support for aftercare and transition programs. However, Schwartz and Bussiere (1988) caution that there are a number of policy and program considerations that need to be addressed by elected public officials, juvenile justice professionals, child advocates, academicians, and public interest groups. For example: more research is needed in order to determine the potential for transition services. Issues that need to be explored are: What models of transition services are likely to be most successful? Should aftercare or transition services be provided on a voluntary or involuntary basis and will it have an impact on results? Are there some transition service interventions that are likely to be most effective with certain types of juvenile offenders than others? What strategies and interventions are likely to be effective with families, peers, schools, and employers? And, what role can transition or aftercare workers really play with respect to mobilizing community resources for youth?

RECOMMENDATIONS:

1. *Judges should provide leadership and support within the juvenile justice system and the community in determining the need for transition services for delinquent youth confined or placed in residential settings.*
2. *Judges should provide leadership within the community to obtain the necessary resources allocated to develop and fund transition or aftercare programs and services.*
3. *Judges should develop strategies for the involvement of the minority community to accept responsibility in developing resources and aftercare programs and services for minority youth.*

Chapter 11

Training

Adequate training is a critical factor in providing needed services in the juvenile justice system. If the juvenile justice system is to address the unique needs of the minority/ethnic group children, it is imperative that cultural sensitivity topics be incorporated into all training curriculum for all juvenile justice system practitioners. This training should reflect appreciation of multi-cultural and/or pluralistic society (Orlans, 1989).

RECOMMENDATIONS:

1. *Court education programs and youth service agencies are urged to conduct regular cultural/ethnic sensitivity training for those working in the juvenile justice system.*
2. *Juvenile justice employers and certification bodies should conduct regular parent effectiveness training for minority/ethnic families.*
3. *Juvenile justice employers and certification bodies should conduct regular drug and alcohol prevention and treatment training that addresses the unique needs of minority/ethnic groups.*

PART THREE

EQUITY AND JUSTICE: SOME SOCIAL ISSUES

As indicated on the first page of this report, equity and justice are the pillars of our justice system. In order for there to be either, there must be concern for fairness and justice beyond the juvenile justice system (National Coalition of State Juvenile Justice Advisory Committees, 1989). "It is important to remember that inequity and disparity are endemic in society, and juvenile justice agencies are no less a part of that society than any other institutions" (Fagen et al., 1987:253). If minorities are living in communities with high crime and are, thus, overly represented in the juvenile justice system, the reason may be as much a societal reaction of the justice system decision-makers as the result of socialization processes for they youth (Smith, 1987).

Juvenile court statutes express concern for the socialization of children. In that regard, many statutes suggest the following about juveniles: (1) they require the opportunity to develop in a way least detrimental to self —physically, morally, spiritually, mental, and socially, and to society; (2) they need protection and guidance beyond the boundaries of the family; and (3) they need help to overcome troubles when brought within the purview of the court. Furthermore, most statutes embrace the notion that court intervention should be driven by the intent to put children back into a good relationship with society as promptly and permanently as possible. Moreover, intervention is to have a therapeutic value for the children.

A fundamental assumption relating to the above ideas is that children are impacted upon by their environment — family, and community, thus strategies to service them requires that attention be appropriately focused on these dimensions of children's lives. Chapters comprising this section focus on areas/issues that impact on the system's efforts to bridge the gap between theory and application. These areas are not to be considered conclusive. They will, however, provide a beginning for discussion and suggestion for action. Moreover, they are included because the advisory committee is cognizant of the fact that juvenile justice does not exist in a vacuum.

Chapter 12

Parental Responsibility

There is consensus in our society that parents have basic obligations and responsibilities to their children. Among the most basic of these are: (1) to provide for the financial support of one's children; (2) to nurture and protect the physical and emotional well-being of one's children; (3) to provide children with guidance and to offer them the opportunity for educational development; (4) to teach children respect for authority and other persons; and (5) to provide children with a moral environment in which they may develop sound character (Katz, 1971:9-13). It is also generally accepted that when parents do not accept these responsibilities of parenting, the children's development may be grossly impaired. Thus, states have outlined parental responsibilities to children through juvenile court statutes. They have identified several categories of children that fall within their purview — neglected, dependent, in need of supervision, abused, and delinquent children. By bringing these juveniles within the jurisdiction of the state, it (the state) attempts to provide for the juveniles' needs where the parents have failed. Specific welfare or children service agencies may be able to service these juveniles without court intervention. However, if legal processing is required, the juvenile court is mandated to assure that the juvenile's and state's interests are protected when there is state intervention in these juveniles' lives.

In a great many cases, especially with respect to minority families, parents lack certain essential resources for effective parenting. This is impacted upon by the socio-economic and technological changes of our society that are confounded by institutional disenfranchisement that is so much a part of society. These changes have made parenting a most difficult and complex process for minorities. For example, unemployment is high, social institutions, such as the church, are having less of a positive impact on helping to socialize children, and the schools are not functioning in the nurturing and/or mentoring role for many minority juveniles. Moreover, many minority parents report that they (and their children) are experiencing alienation when it comes to the education/school process.

On the surface, it appears that minority parents do not identify with the general expectations regarding parenting responsibilities. However, a closer examination of their attitudes, values, desires, and expectations about their children's success reveals that they very strongly want their children to receive a good education, to graduate from school, and behave appropriately in school, to "say no" to drugs, to refrain from delinquent and criminal behavior, to find and work at a meaningful job. Yet, in too many cases, minority parents are experiencing a sense of powerlessness which is expressed in several ways. One of these ways may be termed passive neglect, which results in the juvenile's development of peer cultures by juveniles and less identification with adults. An answer to this problem may include strengthening family systems. These juveniles do not exist separately from the set of values, patterns of behavior, attitudes, and generational influences, of the family system to which they belong. Thus, they most likely will not respond favorably to strategies that do not include an appreciation of the family's influence on their behavior and attitudes. These concerns are contained in a previous NCJFCJ document — *Deprived Children: A Judicial Response,* 1987. See also, *Making Reasonable Efforts: Steps for Keeping Families Together* — a document that was co-sponsored by the National Council of Juvenile and Family Court Judges, the Child Welfare League of America, the Youth Law Center, and the National Center for Youth Law in 1985.

RECOMMENDATIONS:

1. *Juvenile and family courts should recognize that children represent family systems.*
2. *Juvenile and family court judges should request that family oriented strategies be included in predisposition reports.*
3. *Juvenile and family court judges should take the leadership role in obtaining family oriented treatment for juveniles and their families who come before the court when appropriate.*

Chapter 13

The Minority Community

Minority communities are in need of attention in a society that is experiencing economic changes and rapid technological advances. They are experiencing a tremendous deterioration of their physical and social environments. In addition, traditional social institutions such as families, the church, and the school are experiencing a declining impact on the lives of a larger number of minority youths and young adults. Unemployment is high and job opportunities are becoming less and less available. Furthermore, minorities continue to fall backward in educational achievement, which is rendering them ineligible for today's and tomorrow's technical work force.

The ultimate effect is economic inequity. There are noticeable effects today as social scientists are describing the American society as one with a rapidly evolving underclass. Concurrently, there is an effect which resembles the polarization of prosperous and poverty communities in our society. (See National Urban League's *The State of Black America,* 1989). In each of these descriptions, the minority communities are over-represented with the group having the least resources — economic, social, or political. It is these minority communities that are in need of empowerment. They consist of growing numbers of juveniles whose behavior seems inconsistent with the values of the larger society. They are choosing drugs, crime, and other deviant lifestyles (Hunt, 1989). Attention to the structural dynamics and needs of these communities may serve to ameliorate some of the problems that put many of the minority juveniles at risk of juvenile delinquency.

In a great many cases, the juvenile's delinquent behavior may be a symptom of environmental problems that exists in the minority community. To ignore that in an effort to treat/correct the juvenile may be irresponsible, especially when the court intends to return the juvenile home to the same community, whether it be immediately (on probation) or in the future (after out-of-home placement).

RECOMMENDATIONS:

1. *With judges in the forefront, juvenile justice practitioners and minority leaders should develop more effective relationships for controlling and treating delinquency in minority communities.*
2. *Juvenile justice practitioners should recognize that the characteristics of the minority communities have an influential impact on the success or failure of court-ordered treatment plans prescribed for minority youths.*
3. *Juvenile justice efforts should include attempts to modify/ameliorate community/environmental conditions that enhance the juvenile's deviant behavior.*

Chapter 14

Advocacy for Minority Youth

Advocacy for minority children in this instance parallels the Council's "constituency for children" concept in its 1987 *Deprived Children: A Judicial Response* document. It states "Judges should take an active part in the formation of a community-wide, multi-disciplinary constituency for children to promote and unify private and public sector efforts to focus attention and resources on meeting the needs of deprived children who have no effective voice of their own" (p. 12).

In the present chapter, the concern is creating a constituency for minority children. Moreover, the focus is on support of children with regard to the eventual evolution of a society that is pro-children, in spite of their devalued economic benefit but because of their human values and natural resource potential in maintaining and advancing mankind. It refers to the creation of a society in which resources for service needs are provided in order to address the needs of minority children.

The underlying assumptions of this advocacy effort are no different from other advocacy efforts. It assumes the perception that minority children, as individual human beings, have certain rights as do non-minority children; it assumes that, as members of society, minority children should be treated with justice and have equal access and opportunity to society's resources; it assumes our society is obligated to assure these rights are available to minority juveniles (Roberts, 1989:248). This conceptualization embraces the notion that minority children may have unique needs and that these needs should be met.

To many, these concerns may seem idealistic. However, a more honest assessment of the present state of children, youth, and adolescents in our society will suggest that these are most deserving of our support and advocacy efforts. Society can not continue to accept policies that have abandoned children in general and minority children in specific. This argument is most critically appropriate when noting that by the turn of the century minority youths will experience a 25% increase and account for 33%

of the youth population. For the same time period, the white youth population is expected to experience less than one percent growth (U.S. Department of Commerce, Bureau of Census 1986).

As advocates, our efforts should include a re-evaluation of the social concept and status of childhood. We should be concerned about the direct or indirect impact the various changes in society have had on the lives of children. In addition, there is a need to assess the impact that shifts in age demographics (an older population) will have on the allocation of resources to service children.

According to the Children's Defense Fund, a large proportion of children are presently experiencing a lot of pain and suffering, even in our affluent society; "they live in a desolate world where physical survival is a triumph, where fear and hopelessness reign, and where the future holds no promises and few opportunities" (Edelman, 1989:63).

A few examples of the plight that minority children are encountering are reported here. They should emphasis the need for advocacy. First, Edelman (1989) reports that a Black baby is almost three times as likely as a white baby to be born to a mother who has had no prenatal care; a Black baby is more likely than a white baby to die during the first year of life; a Black child's father is twice as likely as a white child's father to be unemployed and if both Black parents work, they command only 84% of the income of what a white family earns; a Black child is 40% more likely than a white child to be behind in grade level and 15% more likely to drop out of school; a Black youth is twice as likely as a white youth to be unemployed, and a Black college graduate faces the same odds of unemployment as a white high school graduate who never went to college (p. 64). Also see Darnell Hawkins and Nolan E. Jones' "Black Adolescent and the Criminal Justice System," *Black Adolescents,* 1989, Cobb & Henry Publishers, pp. 402-425. Hogan and Siu (1988) report that Hispanics under the age of 18 have a greater chance of being in need of welfare services than do whites of the same age group. They indicate that 25 per 1,000 Hispanic children versus 20 per 1,000 white children are on welfare (p. 495).

Hogan and Siu (1988) also report that Native American children are vulnerable in this society as indicated by a high mortality rate. In addition, the adult Native American has an average family income of less than $2,000. Moreover, Native American communities have problems with high unemployment, poor housing, and high substance abuse rates. Furthermore, the American Indian children are handicapped not only by minority status but also by cultural deprivation and loss of identity whether they are on or off the reservation (p. 495).

As political and community leaders, judges are in a unique position to advocate for children. According to Pena (1986) the juvenile court judge is obligated to be a strong advocate for children's needs. He asserts that because children do not have strong lobbyists, the juvenile court judge should be committed to being their bellwether. As advocates, they should "motivate and energize the community to develop resources that are necessary to service children's needs" (p. 3).

Thus, the following is a list of recommendations for juvenile/family court judges and their court staff.

RECOMMENDATIONS:

1. *Judges should lead the movement among juvenile justice practitioners to adopt comprehensive system goals.*
2. *Judges and court staff should initiate comprehensive advocacy strategies on a local level. These strategies should attempt to ameliorate the local conditions that adversely affect children in general and minority children in particular. In addition, they should be developed and implemented with delinquency prevention as one of their many focuses.*
3. *Judges should encourage the development and implementation of specific legal advocacy strategies in an effort to foster system accountability.*

Chapter 15

The Role of the Judge in Juvenile Justice Research

With respect to studying minorities, there are contradictions in the classification schemes of many agencies. Juvenile justice agencies are not exempt. Hispanics, for example, may not be given an appropriate category with which they identify more readily. The result is that they will select one that is more closely characteristic of them. The same is true of Asians, Native Americans, and other racial/ethnic groups. (See also, Harold Orlans, "The Politics of Minority Statistics," *Society*, May/June 1989, Vol. 26, No. 4, pp. 24-25.)

Juvenile justice system research can add greatly to the effective administration of the system, and to the fair and equitable treatment of minority youth. Furthermore, empirical research can play a critical role in facilitating a more objective understanding of the system's functions; it can be utilized to evaluate the effectiveness of programs, institutions, and subsystems — police, courts, and corrections; it can be used for effective future planning; it can be used to assess the differential impact of organizational policies and practices on minority/majority youths; it can be used to measure and understand the intended and unintended consequences of social/environmental, political, and economic factors and policies on the processes of juvenile justice; and it can be used to assess the relationship between contemporary theory and philosophy of juvenile justice law and the actual application of that law. With regard to the latter, we should, again, be cognizant of the fact that juvenile justice laws equate justice with treatment and amelioration of juvenile's adverse conditions that cause their problems.

Several observations have been made about empirical research and the juvenile justice system. Among them are four that are presented by Carl Pope (1988): (1) there is a dearth of investigations especially when compared to the voluminous adult criminal justice literature; (2) empirical research, with sound methodological strategies, is not being done in a way that satisfies our need to understand local policies and enhance system planning efforts; (3) the vast

majority of juvenile justice research is focused on measuring (quantitative research) juvenile justice decisions and not on the understanding (qualitative research) of the process that leads to the decisions (Pope, 1988, estimates that 98% of juvenile justice research is quantitative versus 2% that is qualitative); and (4) the research addressing minority issues focuses disproportionately on Black youth (Pope, 1988, estimates 95% focuses on Black youths and hardly any on Asians, Hispanics, or Native Americans). (See Pope 1988.)

RECOMMENDATIONS:

1. *It is recommended that juvenile justice research be encouraged, financed and conducted by independent researchers.*
2. *It is recommended that empirical researchers focus on the "system" of juvenile justice with a specific concern on the local jurisdictional processes.*
3. *It is recommended that all states develop a strategy that would facilitate the collection of more accurate, complete, and meaningful data regarding the juveniles processed through their systems. Each component of the local process should perceive its role as critical in addressing its ethnic composition, and in collecting the appropriate data. The data should be presented in a format such that state comparisons can be made.*
4. *Local (state) jurisdictions should encourage research that focuses on the court's effectiveness in providing treatment to all youths that it processes. Particular interest should be on the differential treatment effect of minority versus non-minority youths.*
5. *Local and national jurisdictions, through legislative action, should mandate impact analysis for any public policy that may have implications for the training of juvenile justice professionals and in the processing of juveniles, especially minority youths, in the juvenile justice system.*
6. *Local and federal jurisdictions, alike, should mandate research investigations within a reasonable time (one year) after the passage of public policy that may have implications for the treatment of juveniles through the juvenile justice system. The primary purpose of this research should be to assess the intended and unintended consequences on the treatment of youths processed through the courts. A specific concern will be to notice any differential effect on minority youths as well.*
7. *Evaluation and research efforts should include demonstration projects at each of the major phases of the juvenile justice process — arrest, adjudication, and disposition.*
8. *Juvenile justice policy-makers and administrators should be encouraged to incorporate empirical research findings into their planning strategies.*
9. *Research organizations, state agencies, and funding organizations should diligently recruit minority researchers for juvenile justice research projects. These researchers should be used at all levels of the process*

—from the conceptualization of the questions stage to the analysis of data and the formulation of recommendations.

10. *There should be less reliance on aggregate data to speak to the problems of juvenile justice. The rationale for this is that there are as many juvenile justice systems in this country as there are local courts. Furthermore, there is diversity in the actual administration of juvenile justice in the same jurisdiction when there is more than one judge in the juvenile court. Thus, research data that describe local juvenile justice system processing may have greater potential of producing insight into these operations.*

11. *When comparing the effectiveness of a particular treatment program, it may be more profitable to have intra-minority comparison as opposed to minority versus non-minority comparisons. A better understanding of Blacks, for instance, is facilitated much better if Blacks are compared with each other and not with whites.*

12. *The National Center for Juvenile Justice (Pittsburgh) should be a clearing house where all research can be collected and collated so that all juvenile courts can benefit from the successes and failures of other courts.*

Chapter 16

Conclusion

The representation of minority youths in the juvenile justice system in our society is increasing. The present judicial response by the National Council of Juvenile and Family Court Judges is an attempt to draw attention to this problem by suggesting a relevant list of strategic recommendations which may curb future, social catastrophe for minority groups, in specific, and the larger society, in general.

The judicial response by the National Council of Juvenile and Family Court Judges can best be summarized in the words of Mark Harrison Moore, in his book, *From Child to Citizen: The Mandate For Juvenile Justice.*

> "The only institution that can reasonably exercise leadership on behalf of the society and the children is the juvenile court. The reason is simply that no other institution can claim to have an equally broad view of all the interests at stake, to have as wide a range of action, or to be able to make decisions that are designed to reflect the values of the society as expressed in its laws and constitution."

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APPENDIX A

ANNOTATED BIBLIOGRAPHY

Dawson, R.O. An Empirical Study of Juvenile Court Discretionary Transfer to Criminal Court. This is a preliminary report of an empirical study of disruption in transfer to criminal court proceedings in Texas. The data represent all transfer proceedings (112) in which a motion to transfer was filed from September 1, 1987 through August 31, 1988. The data suggest that bias against minorities is prevalent in the offices of the prosecutors, and not the judiciary.

Edna McConnell Clark Foundation, *Keeping Families Together: The Case for Family Preservation.* New York: Edna McConnell Clark Foundation, 1985. This document is one that focuses on children placed in foster care. It is a document that outlines the invaluable function that families have in our society. The authors effectively present an argument for strengthening, and preserving it for the sake of our children and society. It speaks to the need to improve services to children with family problems. This argument is presented in four major sections: (1) the situation, (2) possible solution, (3) a framework for change: laws, regulations and finance, and (4) obstacles and openings: administrative and practices. There are many comparisons and case examples involved to assist the reader in appreciating the problems associated with foster care. There is a specific section on family oriented treatment programs and working with minority families.

National Council of Juvenile and Family Court Judges, *Deprived Children: A Judicial Response - 73 Recommendations.* This report outlines recommendations for judges with regard to addressing the needs of deprived children. It outlines recommendations that address judicial and legal issues with regard to the court processing of deprived children; it outlines recommendations related to detecting, reporting and evaluation; recommendations to minimize out-of-home placement and review of out-of-home placement; lists treatment and planning recommendations; and lists recommendations that address prevention issues which include early prevention, the disabled family and at-risk children.

National Council of Juvenile and Family Court Judges, Child Welfare League of America, Youth Law Center, and National Center for Youth Law (1987), *Making Reasonable Efforts: Steps for Keeping Families Together.* New York: Edna McConnell Clark, 1985. The responsibilities of all attorneys — those representing agencies, parents and children, the juvenile court judges, and court administrators are delineated. These responsibilities are presented as guidelines for protecting the juvenile and as an acknowledgment of the importance of family. Several suggestions listed relate to preventional reunification services.

Pope, C. E. and W. Feyerherm, *Minorities in the Juvenile Justice System.* Drs. Pope and Feyerherm are in the Department of Criminal Justice at the University of Wisconsin. A report prepared for presentation at the OJJDP workshop on the Disproportionate Minority Confinement and Native American Pass-Through Amendments to the JJDP Act January 22, 1990, Denver, Colorado. The study focuses on the official processing of minorities and not pre-conditions which might lead to juvenile justice system contact. The report concludes that there is differential involvement of youths in criminal activities and that this study may account for the differential contact of minorities with the juvenile justice system.

Steinhart, D., K. Joe and B. Elms, *Santa Clara County Juvenile Justice Alternative Project: Juvenile Detention Survey Results and Recommendations,* 1987. This survey of the Santa Clara County Juvenile Detention Project explores the value of screening at the detention stage of the juvenile justice process. It includes the use of several screening models. The conclusion is that fewer juveniles require detention, and if procedures were developed around screening, fewer juveniles would be detained. The report is available through the Santa Clara County, California Probation Department.

William H. and P. V. Murphy, "The Evolving Strategy of Police: A Minority View," in *Perspectives on Policing.* U.S. Department of Justice, National Institute of Justice, January, 1990, No. 13. This report discusses the quality and nature of policing in minority communities, past, present, and future. It specifically identifies ways that future policing in minority communities may be improved.

Youth Law Center and the National Juvenile Law Center, *Juvenile Justice: Guidelines for Police.* Youth Law Center: San Francisco, 1980. This document identifies the important role police play in processing juvenile cases and in affecting the juvenile's relationship with the juvenile justice system. It may be regarded as a manual for officers as it seems to speak to the individual with concern for their understanding the system and how they may perform their duties when working with juvenile cases.

APPENDIX B

LIST OF RESOURCE TAPES FROM THE ST. LOUIS CONFERENCE

presents tape cassettes of

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

Presents

THE DISPROPORTIONATE INCARCERATION OF MINORITY YOUTH IN AMERICA: A NATIONAL FORUM

JUNE 25-28, 1989

ST. LOUIS, MISSOURI

Qty	Number	Title & Speaker(s)	Price	Amount
_____	JJ8900	COMPLETE SET OF CASSETTES IN ALBUM	$185.00	_____
		General Sessions		
_____	JJ8901	**Welcome and Conference Mission** — Judge Romae T. Powell, Judge Ninian M. Edwards, Judge Willard H. Douglas Jr. / **Minority Youth in Courts and Corrections: A National Overview** — Judge Willard H. Douglas Jr., Howard N. Snyder, Ph.D.	8.50	_____
_____	JJ8902	**"A Racist Criminal Justice System — Myth or Reality"** —Judge Romae T. Powell, William L. Wilbanks, Ph.D., Rose Matsui Ochi, J.D.	8.50	_____
_____	JJ8903	**Communicating Across Cultures in the Juvenile Justice System** — Judge Enrique H. Pena, Portia Hunt, Ph.D.	8.50	_____
_____	JJ8904	**The Impact on Society of Disproportionate Minority Incarceration** — Judge Ernestine S. Gray, Darnell F. Hawkins, Ph.D., J.D., Orlando L. Martinez, Henry O. Crawford	8.50	_____
_____	JJ8905	**An Assessment of Current Programs Addressing the Disproportionate Incarceration of Minority Youth Issue** —Orlando L. Martinez		
		National:		
		National Coalition of State Advisory Groups — Doreitha R. Madden **Office of Juvenile Justice and Delinquency Prevention** — Carl E. Pope, Ph.D. **National Council of Juvenile and Family Court Judges** — Judge Ernestine S. Gray		
		State:		
		The Missouri Initiative — Randy Thomas **The Georgia Initiative** — Lettie Lockhart, Ph.D.		
		County:		
		The Los Angeles Initiative — Zara Buggs Taylor	8.50	_____
_____	JJ8906	**Judicial and Issues Summary Report: Where Do We Go From Here?** — Judge Willard H. Douglas		
		Advisory Committee Panel: Judge Ernestine S. Gray, Larry LeFlore, Ph.D., Orlando L. Martinez, Judge Enrique H. Pena, Judge Howard E. Petersen	8.50	_____

Cassette Listing Continues — Other Side

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____	JJ8907	**Judges** — Judge Howard E. Petersen, Judge Enrique H. Pena	8.50	____
____	JJ8908	**Legal and Administration** — Orlando L. Martinez, Joyce L. Wright, J.D.	8.50	____
____	JJ8909	**Correctional Services: Community and Detention** — Larry LeFlore, Ph.D., James W. Brown, J.D.	8.50	____
		Issue Forums		
____	JJ8910	**The Black Perspective** — Ernestine S. Gray, Julius Debro, Ph.D.	8.50	____
____	JJ8911	**The Hispanic Perspective** — Orlando L. Martinez, Armando Morales, DSW	8.50	____
____	JJ8912	**Native American Perspective** — Joyce L. Wright, J.D., Kent "Hut" Fields	8.50	____
____	JJ8913	**The Asian Perspective** — Judge Willard H. Douglas, Jr., Rose Matsui Ochi, J.D.	8.50	____
____	JJ8914	**The Black Perspective** — Larry LeFlore, Ph.D., Julius Debro, Ph.D.	8.50	____
____	JJ8915	**The Hispanic Perspective** — Judge Enrique H. Pena, Armando Morales, DSW	8.50	____
____	JJ8916	**The Native American Perspective** — Judge Howard E. Petersen, Kent "Hut" Fields	8.50	____
____	JJ8917	**The Asian Perspective** — Judge Lester V. Moore, Rose Matsui Ochi, J.D.	8.50	____
____	JJ8918	**The Police Officer's Role in the Community** — Larry LeFlore, Ph.D., Wilbert K. Battle, Capt. Charles Alpin, Henry O. Crawford	8.50	____
____	JJ8919	**The Mental Health Perspective: Evaluation, Prognosis and Treatment of Minority Youth** — Judge Willard H. Douglas, Jr., Sherri Burwell, Ph.D.	8.50	____
____	JJ8920	**The Judicial and Legal Aspects in Assuring Fairness** — Judge Howard E. Petersen, Judge Enrique H. Pena	8.50	____
____	JJ8921	**Effective Management in Cross Culture Interactions** — Joyce L. Wright, J.D., Portia Hunt, Ph.D.	8.50	____
____	JJ8922	**What is the Community's Responsibility?** — Judge Lester V. Moore, Herman Jones, Ph.D.	8.50	____
____	JJ8923	**The Public and Private Providers Foster Care, (PL 96-272) Their Position** — Irene Schell, Jean Neal, James W. Brown, J.D.	8.50	____
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APPENDIX C

RELATED RESOURCE PROGRAMS/PROJECTS

NATIONAL, STATE, COUNTY LEVELS

NATIONAL:

- **National Council of Juvenile & Family Court Judges**

The Judicial Response to the Disproportionate Incarceration of Minority Youth in America

National Council of Juvenile & Family Court Judges
P.O. 8970
Reno, Nevada 89507
Contact Person: David Gamble
Project Director
(702) 784-4836

- **National Coalition of State Advisory Juvenile Justice Groups**

A Report on the Delicate Balance

National Coalition of State Advisory Juvenile Justice Groups
Center For Action Research
Campus Box 580
Boulder, Colorado 80309
Contact Person: Robert Hunter
Chairman
(303) 492-6114

- **Office of Juvenile Justice and Delinquency Prevention**
633 Indiana Avenue, N.W.
Washington, D.C. 20531

Contact Person: Deborah Wysinger
Juvenile Justice Specialist
(202) 724-5924

STATE:

- **The State of Colorado**

Division of Youth Services
4255 S. Knox Court
Denver, Colorado 80236

Contact Person: Orlando Martinez
Director, Youth Services
(303) 762-4695

- **The State of Georgia**

University of Georgia
School of Social Work
303 Tucker Hall
Athens, Georgia 30602

Contact Person: Lettie Lockhart, Ph.D.
Associate Professor
(404) 542-5456

- **The State of Michigan**

Task Force on Gender and Racial/Ethnic Issues in the Courts

Michigan Supreme Courts
611 W. Ohawa Street
P.O. Box 30048
Lansing, Michigan 48909

Contact Person: Lorraine Weber
Project Director
(517) 373-5596

- **The Over-Representation of Minority Youth in Juvenile Justice - Project**

  University of Wisconsin
  School of Social Welfare
  Milwaukee, Wisconsin 53201

  Contact Person: Carl E. Pope, Ph.D.
  Professor of Criminal Justice
  (414) 229-6030

- **The State of Missouri**

  Department of Public Safety
  P.O. Box 749
  Jefferson City, Missouri 65102-0749

  Contact Person: Randy Thomas
  Juvenile Justice Specialist
  (314) 751-4905

- **The State of Washington**

  The Minority and Juvenile Task Force
  3200 Columbia Center
  701 Fifth Avenue
  Seattle, Washington 98104-7097

  Contact Person: Diserie Leigh
  Project Director
  (206) 625-0268

COUNTY:

- **The County of Los Angeles**

  County Commission on Human Relations
  320 West Temple Street
  Suite 1184
  Los Angeles, California 90012

  Contact Person: Zara Buggs-Taylor
  Consultant
  (213) 974-7611

APPENDIX D

RESOURCE PERSONS:

SAN FRANCISCO CONCEPTUAL ORIENTATION SYMPOSIUM

Wilbert Battle Community Relations Officer San Francisco Police Department San Francisco, California	*Topic:* "A Police Officer's View From the Community"
Sherri Burwell, Ph.D. Psychologist Guidance Center Oakland, California	*Topic:* "Psychological Evaluation Prognosis and Treatment of Minority Youth in the Juvenile Justice System"
Lionel Martinez Assistant Executive Director County Commission on Human Los Angeles, California	*Topic:* "Kids, Crime and Jail: The Color of Juvenile Justice— A Review and Assessment of the Report"
Armando Morales, DSW Professor, School of Medicine University of California Los Angeles Los Angeles, California	*Topic:* "The Hispanic Representation in the Juvenile Justice System"
Carl E. Pope, Ph.D. Chair and Professor of Criminal Justice University of Wisconsin	*Topic:* "Black and Minority Youth in the Juvenile Justice System—A Project Report" Milwaukee, Wisconsin
Howard N. Snyder, Ph.D. Director of Systems Research National Center for Juvenile Pittsburgh, Pennsylvania	*Topic:* "Youth Court and Corrections—A National Justice Perspective"
Paul Takagi, Ph.D. Professor of Sociology University of California-Berkeley Berkeley, California	*Topic:* "Racial Discrimination in Criminal Sentencing - An Asian Perspective"
William L. Wilbanks, Ph.D. Professor of Criminal Justice Florida International University Miami, Florida	*Topic:* "The Myth of a Racist Criminal Justice System"

APPENDIX E

THE DISPROPORTIONATE INCARCERATION OF MINORITY YOUTH IN AMERICA: A NATIONAL FORUM
ST. LOUIS, MISSOURI
JUNE 25, 1989
RESOURCE PERSONS

Captain Charles Alpin
Commander, 6th District
St. Louis Police Department
St. Louis, Missouri

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Community Relation Officer
San Francisco Police Department
San Francisco, California

James W. Brown, J.D.
Director
Community Research Associates
Champaign, Illinois

Henry Crawford
Police Youth Services Supervisor
Stamford Police Department
Stamford, Connecticut

Zara Buggs-Taylor
Consultant
County Commission of Human Relations
Los Angeles, California

Sherri Burwell, Ph.D.
Psychologist
Hillcrest Mental Health
Bellmont, California

Julius Debro, Ph.D.
Professor of Criminal Justice
Atlanta University
Atlanta, Georgia

Judge Robert G. Dowd
22nd Judicial Circuit
St. Louis Juvenile Court
St. Louis, Missouri

Judge Ninian M. Edwards
Vice-President NCJFCJ
Circuit Court-St. Louis
Clayton, Missouri

Kent "Hut" Fields
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APPENDIX F

ABOUT THE AUTHOR

Larry LeFlore, Ph.D. is an associate professor in the Institute of Juvenile Justice Administration and Delinquency Prevention, Department of Criminal Justice at the University of Southern Mississippi. He is a member of the Juvenile Justice Advisory Committee, a member of the Juvenile Justice Curriculum Committee for the Mississippi Judicial College, Board of Directors members for the Pinebelt Boys/Girls Club, a consultant with the Mississippi Law Related Education Institute, and a licensed Marriage and Family Therapist. He has worked as an institutional social worker in a juvenile correctional institution, as a juvenile court probation officer, as a juvenile court intake officer, as a district supervisor for the Mississippi Department of Youth Services. He is a consultant/reviewer with the Office of Substance Abuse Prevention, U.S. Department of Health and Human Services. He has worked as an advisory committee member with the Center for the Study of Youth Policy, University of Michigan, on the Broward County Detention Research project.

Editor's Note to Authors

In order to facilitate editing and printing, the editor requests those sending manuscripts to *Juvenile & Family Court Journal* follow a standard format. Please send four copies of all manuscripts. Do not use "easy erasable" paper as the type will rub off in handling Include your correct title, mailing address, and telephone number in a cover letter.

Title and author's name should be typed on a separate cover page. **Type the manuscript double-spaced with one-inch margins on each page.** Number each page of the manuscript, at the bottom, centered. Primary heads should be typed centered, and secondary heads should be typed at the left-hand margin. **All footnotes and references should be typed double-spaced on separate pages at the end of manuscript.**

The editor will notify authors of the receipt of manuscripts. All articles must be approved for publication by the Publications Policy Group. Upon approval, authors will be notified by the editor.

Authors will receive three complimentary copies of the issue in which they are published.

National Council of Juvenile and Family Court Judges: Serving Judges, Youth and the Community

The National Council of Juvenile and Family Court Judges has been dedicated, since its founding in 1937, to improving the nation's diverse and complex juvenile justice system. The Council understands that an effective juvenile justice system must rely on highly skilled juvenile and family court judges, and has directed an extensive effort toward improving the operation and effectiveness of juvenile and family courts through highly developed, practical and applicable programs and training. Since 1969 the Council, through its Training Division, the National College of Juvenile Justice, has reached more than 90,000 juvenile justice professionals with an average of 50 training sessions a year — a record unparalleled by any judicial training organization in the United States.

The Council recognizes the serious impact that many unresolved issues are having upon the juvenile justice system and the public's perceptions of the problem as they affect, through legislation and public opinion, the juvenile court.

Serving as a catalyst for progressive change, the Council uses techniques which emphasize implementing proven new procedures and programs. Focus on meaningful and practical change and constant improvement is the key to the Council's impact on the system.

The Council maintains that juvenile justice personnel, and especially the nation's juvenile and family court judges, are best equipped to implement new concepts and other proposed improvements. The most effective method of bringing about practical and necessary changes within the juvenile justice system is through that system, and particularly through the judges themselves. Continuing, quality education is a keystone in producing this change.

The Council facilities, located at the University of Nevada, Reno, include modern classrooms and a law library. The Council uses its own housing facility to provide economical lodging and meals for both faculty and participants. These facilities offer an attractive environment for judges to explore practical solutions toward the betterment of juvenile justice. The Council, with its National Center for Juvenile Justice in Pittsburgh, maintains a staff of more than 50.

For further information on the Council's activities, projects, and publications, write:

NCJFCJ
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